

IN THE SENATE OF THE UNITED STATES.

JANUARY 15, 1890.—Ordered to be printed.

Mr. DAVIS (by Mr. MANDERSON), from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 12541.]

The Committee on Pensions, to whom was referred the bill (H. R. 12541) granting a pension to Elizabeth D. Foster, have examined the same and report:

The report of the Committee on Invalid Pensions of the House of Representatives, hereto appended, is adopted, and the passage of the bill recommended.

HOUSE REPORT.

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 12541) granting a pension to Elizabeth D. Foster, submit the following report:

That she is the widow of Capt. William R. Foster, who enlisted September 23, 1861, in Company E, Fifty-first Pennsylvania Regiment; was mustered out July 27, 1865; that he died October 19, 1877. His widow claimed a pension on the ground that his death was caused by scirrhus tumor, result of shell wound of right side received at the battle of Antietam.

The fact of the wound as stated is proved by the evidence of comrades. They also testify to continued suffering in after years from pains in location of wound.

Dr. J. R. Gast testifies as follows:

Knew his physical condition to be healthy and good prior to his enlistment. I saw him frequently immediately after discharge, and know he frequently suffered with pains in the stomach. Did not treat him professionally until April, 1875 (over two years before his death), when I made a thorough examination and found him suffering with a scirrhus tumor involving the whole ileocaecal portion of the bowels. Have treated him continually since for that trouble up to date of his death. Paid him altogether ninety visits. * * * Made a *post-mortem* examination. The scirrhus tumor was the immediate cause of death. From the history of the case I know the tumor was caused by an injury received by a shell while he was in the service. I also made a microscopical examination of the tumor, and found the stomach and cancer cells of scirrhus in abundance, and am positive that my statement is true and correct in every particular.

In a subsequent letter, in answer to the Commissioner of Pensions for reasons for thinking fatal disease was due to the injury, the same physician says:

"He was a stoic; never complained; and only told me, as his physician, what the cause of his disease was by him believed to be. I have no doubt his death was the result of the injury received from the piece of shell. Cancerous trouble frequently results from such injuries. From the fact that he told me he was knocked senseless for a few moments, the impact must have been enough to cause an internal bruise; and the pain was located in the ileocaecal region."

The claim was rejected November 17, 1885, "Cause of officer's death not shown as due to the service."

The medical examiner of the Pension Office thought Dr. Gast's conclusions and the comrades' testimony not sufficient.

Your committee think the case fairly proved and the presumption not a violent one that this gallant officer's death was due to the service, and recommend the passage of the bill.